

claims without deleting an appropriate number of claims; and (d) places the application in better form for appeal, should the appeal be necessary. This Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the rejection as indicated by the Final Office Action. Favorable reconsideration is respectfully requested in light of the following remarks.

I. Formal Matters.

1. Applicants thank the Examiner for indicating the allowance of Claims 21 and 23-24.

2. Applicants thank the Examiner for indicating that Claims 9-20 contain allowable subject matter if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claims 10-20 depend directly or indirectly from dependant Claim 9, which depends directly from Claim 1. As discussed in more detail below in Section II, sub-section 2., Applicants have amended Claim 1 to include limitations recited in cancelled Claim 4 that are comparable to recitations in Claim 9. Claim 9 has been amended in order to delete the repetitiveness of the limitations amended into Claim 1. At least for the reasons explained below in Section II, sub-section 2., Claims 9-20 are in allowable form. Withdrawal of the objection is respectfully requested.

3. Applicants thank the Examiner for providing the updated issued patent number and patent application serial number information by indicating that Application No. 08/815,361 is now abandoned and that Application No. 08/634,543 is now U.S. Patent No. 6,438,218. In response to the objection to the disclosure, Applicants have amended the specification at paragraphs 1 and 4 on pages 1 and 7, respectively, as indicated above by the helpful suggestion of the Examiner. Withdrawal of the objection is respectfully requested.

4. Applicants respectfully request that the United States Patent and Trademark Office change the Attorney Docket Number for this application to reflect the correct Attorney Docket Number of 65632-0047, not 680-189.

II. The Claims Define Patentable Subject Matter.

1. Claims 4-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The rejection is respectfully traversed.

More specifically, the Final Office Action rejects Claims 4-5 for reasons of a lack of antecedent basis with respect to the “said completing step” limitation in line 5 of Claim 4. Applicants have cancelled Claim 4 in order to eliminate the “said completing step” limitation. The other limitations in Claim 4 that are unrelated to the objected “said completing step” have been amended into Claim 1. Claim 5 has been amended in order to properly depend from Claim 1. It is respectfully submitted that Claim 5 is in allowable form. Withdrawal of the rejection is respectfully requested.

2. The Final Office Action rejects Claims 1, 2, and 6-8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,026,087 to Mirashrafi et al. (“Mirashrafi”). The rejection is respectfully traversed.

Although Mirashrafi arguably appears to disclose “In response, changeover bridgeport 165 places a voice call to the PSTN extension of handset 142, and bridges the net and the voice calls, step 216...bridgeport 165 establishes and facilitates the voice call to PSTN extension 143 as described earlier, in step 230 (in order to monitor call quality if changeover bridgeport is not in direct connection with client computer)” (see: Col. 9, line 66 – Col. 10, lines 1 and 28-30; Figure 2B), the device as disclosed in Mirashrafi is directed toward use of a computer to access a packet network, such as the internet, to place a voice call.

Conversely, as recited in amended Claim 1, the present invention provides a more direct link between *telephone services and the Internet* without requiring a personal computer to establish the connection. As stated in the previous Office Action response, Mirashrafi needs to be selected by a computer through a web server as it utilizes bridgeports and other devices to execute the packet network call and monitor its quality. Mirashrafi is not responsive, as recited in amended Claim 1, to a placement of a voice *telephone call* to a PSTN including *an advanced intelligent network (AIN) that includes an integrated services control point (ISCP) having stored therein subscriber call processing records (CPRs)*. Thus, Mirashrafi fails to disclose or suggest the Applicant's claimed invention. A claim is

anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131.

- For at least this reason explained above, independent Claim 1 is allowable over the applied art.
- Claims 2 and 6-8, which were also rejected under 35 U.S.C. §102(e), depend from Claim 1 and are likewise allowable over the applied art.
- Claim 5, which was rejected under 35 U.S.C. § 112, second paragraph, depends directly from Claim 1 and is also allowable.
- Claims 9-20, which were objected to, depend either directly or indirectly from Claim 1 and are also allowable.

Withdrawal of the rejections and objections is respectfully requested.

Conclusion

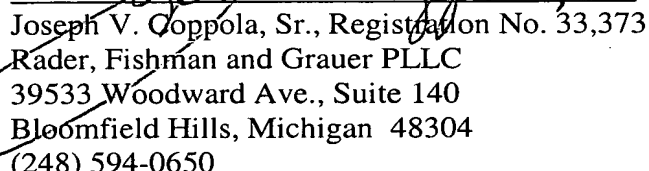
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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Joseph V. Coppola, Sr., Registration No. 33,373  
Rader, Fishman and Grauer PLLC  
39533 Woodward Ave., Suite 140  
Bloomfield Hills, Michigan 48304  
(248) 594-0650  
Attorneys for Applicants  
Customer No.: 010291

**MARKED UP VERSION OF CLAIMS**

1. A method for providing voice communication between stations at two remote locations that are each linked to public switched telephone networks (PSTNs) comprising the steps of:

in response to placement of a voice telephone call to a PSTN by a first one of said stations, determining quality of service of a public data packet network;

comparing the quality of service obtained in said determining step with a predetermined threshold level for said voice telephone call;

in response to a result in said comparing step that said predetermined threshold level is exceeded, routing said telephone call to a second one of said stations through said public data packet network in packet data format; and

routing said voice telephone call to said second station through an interexchange carrier switched voice network in PSTN network protocol if said predetermined threshold level is not exceeded, wherein the PSTN of the calling station is an advanced intelligent network (AIN) that includes an integrated services control point (ISCP) having stored therein subscriber call processing records (CPRs).

5. A method as recited in claim 14, wherein said interexchange carrier identity is specified in the subscriber CPR of the calling station.

9. A method as recited in claim 1, wherein ~~the PSTN of the calling station is an advanced intelligent network (AIN) that includes an integrated services control point (ISCP) having stored therein subscriber call processing records (CPRs), and~~ said comparing step comprises retrieving a stored threshold value from the subscriber CPR of the calling station.

**MARKED UP VERSION OF SPECIFICATION**

On Page 1, Paragraph 1:

This application is related to U.S. Patent No. 5,790,548, entitled Universal Access Multimedia Network, issued August 4, 1998, U.S. Patent No. 6,438,218~~application Serial No. 08/634,543~~, entitled Internet Telephone Service, issued August 20, 2002~~filed April 18, 1996~~ and U.S. Patent No. 6,069,890, entitled Internet Telephone System, issued May 30, 2000,<sup>;</sup> U.S. Patent No. 6,064,653, ~~filed January 7, 1997, and~~ entitled Internetwork Gateway To Gateway Alternative Communication, issued May 16, 2000, and ~~patent application Serial No. 08/815,361, now abandoned~~. The specification of the application and patents are incorporated herein by reference in their entirety.

On Page 7, Paragraph 4:

The commonly assigned U.S. Patent No. 6,438,218~~application Serial No. 08/634,543~~ and U.S. Patent No. 6,069,890, identified more particularly above, are concerned with providing telephone service via the Internet to users of the public telecommunications network who may not have access to a computer or separate telephone access to the Internet. Such service would be economical, especially for long distance calls, compared with the toll rates charged by long distance interexchange carriers.